



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

April 15, 2010

Mr. Tommy L. Sutton
Triad Mining, Inc.
1216 E. County Road 900 S.
Oakland City, Indiana 47660

Dear Mr. Sutton:

Re: Request to Modify
NPDES Permit No. ING040188
IDNR Permit Nos. S-0350, S-0353
Triad Mining Augusta and South Augusta Mines
3741 E. State Road 64
Winslow, Indiana
Pike County

Your NPDES permit application submittal dated February 9, 2010, to request modification of the above-referenced permit, has been reviewed. The submittal requested the removal of Outfall 003A (latitude 38°, 20', 02", longitude 87°, 12', 13") and 039 (latitude 38°, 19', 58", longitude 87°, 14', 20"), both discharging to an unnamed tributary to Barren Ditch. Also you requested that outfalls 012 (latitude 38°, 19', 48", longitude 87°, 11', 49") and 014 (latitude 38°, 20', 51", longitude 87°, 12', 05"), both discharging to an unnamed tributary to Durham Ditch, and 036 (latitude 38°, 19', 37", longitude 87°, 14', 53"), 037 (latitude 38°, 19', 50", longitude 87°, 14', 46"), and 038 (latitude 38°, 20', 06", longitude 87°, 14', 41"), all discharging to an unnamed tributary to Hat Creek, be changed to reclamation mine drainage status, from alkaline status.

The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has received confirmation from the IDNR in Jasonville, Indiana that Outfalls 003 and 039 have been mined through. They have further confirmed that the areas above Outfalls 012, 014, 036, 037, and 038 are stable and fully vegetated, and therefore ready for a reclassification to reclamation mine drainage status. Therefore your petition to remove Outfalls 003A and 039 from this permit, and to change mine drainage status for Outfalls 012, 014, 036, 037, and 038, has been approved in accordance with Indiana Rules promulgated under 327 IAC 15-7. All outfalls listed in the first table of Attachment 1 to this correspondence will now be included for coverage at this site.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following web site:

<http://www.in.gov/idem/5104.htm>

327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

This modification shall become effective on May 1, 2010, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on March 31, 2013. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/

cc: Pike County Health Department

ATTACHMENT 1

Triad Mining- Augusta and South Augusta Mines

NPDES PERMIT NO. ING040188

IDNR PERMIT NOS. S-0350, S-0353

EFFECTIVE DATE: May 1, 2010

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
001**	S-0350 ASB- 01	38°, 20', 42"	87°, 11', 49"	Proposed	UNNAMED TRIB. TO PATOKA RIVER
002**	S-0350 ASB- 02	38°, 20', 36"	87°, 11', 45"	Proposed	UNNAMED TRIB. TO PATOKA RIVER
003B	S-0350 ASB- 03A	38°, 20', 02"	87°, 12', 13"	Alkaline	UNNAMED TRIB. TO BARREN DITCH
007	S-0350 ASB- 07	38°, 19', 54"	87°, 12', 21"	Alkaline	UNNAMED TRIB. TO BARREN DITCH
008	S-0350 ASB- 08	38°, 19', 54"	87°, 12', 34"	Alkaline	UNNAMED TRIB. TO BARREN DITCH
012	S-0350 ASB- 12	38°, 19', 48"	87°, 11', 49"	Alkaline	UNNAMED TRIB. TO DURHAM DITCH
013	S-0350 ASB- 13	38°, 19', 48"	87°, 11', 39"	Alkaline	UNNAMED TRIB. TO DURHAM DITCH
014	S-0350 ASB- 14	38°, 20', 51"	87°, 12', 05"	Alkaline	UNNAMED TRIB. TO DURHAM DITCH
015**	S-0350-1 ASB- 15	38°, 20', 44"	87°, 11', 11"	Proposed	UNNAMED TRIB. TO MILL CREEK
016	S-0350-1 ASB- 001	38°, 20', 14"	87°, 11', 07"	Alkaline	UNNAMED TRIB. TO MILL CREEK
017	S-0350-1 ASB-017	38°, 20', 13"	87°, 10', 45"	Alkaline	UNNAMED TRIB. TO MILL CREEK
018	S-0350-1 ASB-018	38°, 19', 44"	87°, 10', 47"	Alkaline	UNNAMED TRIB. TO MILL CREEK
031	S-0353 ASB-031	38°, 18', 51"	87°, 13', 59"	Alkaline	LIBERTY ROAD DITCH
035	S-0353 ASB-035	38°, 19', 25"	87°, 14', 33"	Alkaline	NORTH FORK HAT CREEK
036	S-0353 ASB-036	38°, 19', 37"	87°, 14', 53"	Reclamation	UNNAMED TRIB. TO HAT CREEK
037	S-0353 ASB-037	38°, 19', 50"	87°, 14', 46"	Reclamation	UNNAMED TRIB. TO HAT CREEK
038	S-0353 ASB-038	38°, 20', 06"	87°, 14', 41"	Reclamation	UNNAMED TRIB. TO HAT CREEK
040**	S-0353 ASB-040	38°, 19', 36"	87°, 13', 57"	Proposed	UNNAMED TRIB. TO DURHAM DITCH
041	S-0353 ASB-041	38°, 19', 18"	87°, 13', 36"	Alkaline	UNNAMED TRIB. TO DURHAM DITCH
042	S-0353 ASB-042	38°, 19', 53"	87°, 13', 34"	Alkaline	UNNAMED TRIB. TO DURHAM DITCH
045**	S-0353 ASB-045	38°, 19', 28"	87°, 13', 32"	Proposed	UNNAMED TRIB. TO DURHAM DITCH
047**	S-0353 ASB-047	38°, 18', 53"	87°, 13', 30"	Proposed	UNNAMED TRIB. TO DURHAM DITCH

**NOTE: THESE OUTFALLS ARE PROPOSED AND HAVE NOT YET BEEN CONSTRUCTED.

The following outfalls have been removed and are no longer covered under this permit:

003	S-0350 ASB 10	38°, 20', 07"	87°, 12', 19"	OUTFALL REMOVED	UNNAMED TRIB. TO BARREN DITCH
004	S-0350 ASB 04	38°, 20', 24"	87°, 12', 32"	OUTFALL REMOVED	UNNAMED TRIB. TO BARREN DITCH
005	S-0350 ASB 05	38°, 20', 50"	87°, 12', 43"	OUTFALL REMOVED	UNNAMED TRIB. TO BARREN DITCH
006	S-0350 ASB 06	38°, 20', 33"	87°, 12', 43"	OUTFALL REMOVED	UNNAMED TRIB. TO BARREN DITCH
009	S-0350 ASB 09	38°, 20', 42"	87°, 12', 49"	OUTFALL REMOVED	UNNAMED TRIB. TO BARREN DITCH
032	S-0353 ASB 31	38°, 19', 22"	87°, 14', 21"	MINED THROUGH	NORTH FORK HAT CREEK
039	S-0353 ASB 39	38°, 19', 58"	87°, 14', 20"	OUTFALL REMOVED	UNNAMED TRIB. TO BARREN DITCH
046	S-0353 ASB 46	38°, 19', 20"	87°, 13', 30"	BACKFILLED	UNNAMED TRIB. TO DURHAM DITCH

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 - 4D -GP

DATE OF NOTICE: April 15, 2010

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

MODIFICATION

TRIAD MINING INC., AUGUSTA and SOUTH AUGUSTA MINES, Permit No. ING040188, PIKE COUNTY, Winslow, IN. This modification is being issued because the facility is deleting 2 outfalls and changing drainage status of 5 outfalls which discharge to unnamed tributaries to Barren Ditch, Durham Ditch and Hat Creek. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC - North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Indiana Department of Environmental Management
NPDES General Permit Notice of Intent (NOI) Letter Submittal Application
327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

OFFICE OF
WATER QUALITY

2010 FEB 17 A 8:30

IDEM - AR
PAID

I. PURPOSE OF SUBMITTAL:				
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		XX	ING040188	

II. GENERAL INFORMATION						
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.						
a. APPLICANT NAME (TO THE ATTENTION OF)			e. FACILITY SIC CODE	f. FACILITY COUNTY		g. DNR FACILITY NUMBER
Triad Mining, Inc. - Attn. Tommy L. Sutton			1221	Pike		#S-350, #S-353
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS			h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER			
COMPANY NAME Triad Mining, Inc.			Latitude		Longitude	
STREET ADDRESS 1216 E. County Road 900 S			degree N38	minute 19	second 45	degree W87
CITY Oakland City			STATE IN	ZIP CODE 47660	minute 12	Second 21
c. FACILITY NAME			i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION			
Augusta Mine & South Augusta Mine			Township 2 South	Range 7 West	Section 8, 15, 16, 17, 20, 21, & 22	Quartersection
d. FACILITY MAILING ADDRESS			j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId			
STREET ADDRESS 1216 E. County Road 900 S			STREET ADDRESS 3741 E. State Road 64			
CITY Oakland City			STATE IN	ZIP CODE 47660	CITY Winslow	STATE IN
					ZIP CODE 47598	

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
This section applies to the responsible corporate officer and/or alternate person who is Authorized to be responsible for all signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
Tommy L. Sutton Vice President Engineering	C. Brent Boyle
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
812-328-2117 Ext. 30	812-721-1299 Ext. 33 or 812-328-2117 Ext. 29
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
Tommy.Sutton@JamesRiverCoal.com	Brent.Boyle@JamesRiverCoal.com

2010 FEB 19 A 11:03
IDEM - AR
RECEIVABLES

JORDAN, SHERI

From: Huff, Todd A
Sent: Monday, March 08, 2010 2:10 PM
To: JORDAN, SHERI
Cc: Corn, Tim A
Subject: ING040188 Triad Mining Augusta and South Augusta

Sheri, The inspector and myself have discussed your inquiry concerning requested changes to outfalls within the S-350 and S-353, or pertaining to ING040188. Therefore, we are in agreement in changing the drainage status to that of post-mining/reclamation for outfall 012, 014, 036, 037, and 038. Additionally, we are in agreement in dropping outfalls 003A and 039 from the NPDES permit. Hope this addresses the prior inquiry. Respectfully, TAH

*3/24/12
Spoke to
Brent Boyle on the
phone about several outfall
coordinates being different from his
last submitted. He said this submitted
is correct, that a contractor used a wrong
factor in calculating for last submitted
resulting in wrong numbers.*

IV. CONTACT INFORMATION OTHER:			
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. CONTACT AND COMPANY NAME C. Brent Boyle, Triad Mining, Inc.	
a. CONTACT TELEPHONE NUMBER 812-328-2117, Ext. 29 or 812-721-1299 Ext. 33		d. STREET ADDRESS 1216 E. County Road 900 S.	
b. CONTACT EMAIL ADDRESS Brent.Boyle@JamesRiverCoal.com		e. CITY Oakland City	f. STATE Indiana
		g. ZIP CODE 47660	
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		i. COMPANY AND CONTACT PERSON NAME Tommy L. Sutton, Triad Mining, Inc.	
h. CONTACT TELEPHONE NUMBER 812-328-2117, Ext 30		k. STREET ADDRESS P.O. Box 316	
i. CONTACT EMAIL ADDRESS Tommy.Sutton@JamesRiverCoal.com		l. CITY Freelandville	m. STATE Indiana
		n. ZIP CODE 47535	
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. COMPANY AND CONTACT PERSON NAME	
o. CONTACT TELEPHONE NUMBER		r. STREET ADDRESS	
p. CONTACT EMAIL ADDRESS		s. CITY	t. STATE
		u. ZIP CODE	

V. RULE QUALIFICATION:	
The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.	
Does this facility meet these requirements? (please check one) <u>YES</u> <u>X</u> <u>NO</u>	
Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.	
The Augusta mining complex is a surface mining facility. Wastewater discharge associated with the mining of coal, coal processing and/or reclamation activities will occur.	

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS											
a. ITEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR IF IT IS YES name of OPERATOR OF MUNICIPAL STORM SEWER AND WATER IT DISCHARGES TO
		deg	min	sec	deg	min	sec				
001	ASB01	N 38	20	42	W 87	11	49	0.00	Proposed	Y / N	UNT PATOKA RIVER
002	ASB02	N 38	20	36	W 87	11	45	0.00	Proposed	Y / N	UNT PATOKA RIVER
003A	ASB03A	N 38	20	02	W 87	12	13	0.00	Active, Alkal	Y / N	UNT BARREN DITCH
003B	ASB03B	N 38	20	02	W 87	12	13	0.00	Active, Alkal	Y / N	UNT BARREN DITCH
007	ASB07	N 38	19	54	W 87	12	21	0.00	Active, Alkal	Y / N	UNT BARREN DITCH
008	ASB08	N 38	19	54	W 87	12	34	0.00	Active, Alkal	Y / N	UNT BARREN DITCH
012	ASB12	N 38	19	48	W 87	11	49	0.00	Active, Alkal	Y / N	UNT DURHAM DITCH
013	ASB13	N 38	19	48	W 87	11	39	0.00	Active, Alkal	Y / N	UNT DURHAM DITCH
014	ASB14	N 38	20	51	W 87	12	05	0.00	Active, Alkal	Y / N	UNT DURHAM DITCH
015	ASB15	N 38	20	44	W 87	11	11	0.00	Proposed	Y / N	UNT MILL CREEK

VI. OUTFALL INFORMATION Continued

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO	b. DNR BASIN NO	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec	deg	min	sec				
016	ASB16	N 38	20	14	W 87	11	07	0.00	Proposed	Y / N	UNT MILL CREEK
017	ASB17	N 38	20	13	W 87	10	45	0.00	Proposed	Y / N	UNT MILL CREEK
018	ASB18	N 38	19	44	W 87	10	47	0.00	Proposed	Y / N	UNT MILL CREEK
031	ASB31	N 38	18	51	W 87	13	59	0.00	Active, Alkal	Y / N	LIBERTY RD DITCH
035	ASB35	N 38	19	25	W 87	14	33	0.00	Active, Alkal	Y / N	N. FRK HAT CRK
036	ASB36	N 38	19	37	W 87	14	53	0.00	Active, Alkal	Y / N	UNT HAT CREEK
037	ASB37	N 38	19	50	W 87	14	46	0.00	Active, Alkal	Y / N	UNT HAT CREEK
038	ASB38	N 38	20	06	W 87	14	41	0.00	Active, Alkal	Y / N	UNT HAT CREEK
039	ASB39	N 38	19	58	W 87	14	20	0.00	Active, Alkal	Y / N	UNT BARREN DITCH
040	ASB40	N 38	19	36	W 87	13	57	0.00	Proposed	Y / N	UNT DURHAM DITCH
041	ASB41	N 38	19	18	W 87	13	36	0.00	Active, Alkal	Y / N	UNT DURHAM DITCH
042	ASB42	N 38	19	53	W 87	13	34	0.00	Active, Alkal	Y / N	UNT DURHAM DITCH
045	ASB45	N 38	19	28	W 87	13	32	0.00	Proposed	Y / N	UNT DURHAM DITCH
047	ASB47	N 38	18	53	W 87	13	30	0.00	Proposed	Y / N	UNT DURHAM DITCH

VII. OUTFALL INFORMATION FOR MODIFICATIONS: Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE. EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTOR'S REPORTS, LAB DATA, ETC
003A	ASB03	Delete	2/1/10	Basin has been mined through. Drainage goes to Basin ASB03B and discharges thru 003B.
012	ASB12	Change	2/1/10	Change drainage status to Reclamation Status . Mining and reclamation activities are complete above these outfalls. Areas were seeded more than two years ago and are stable and are in a permanent grass cover or are being farmed with standard conservation practices.
014	ASB14	Change	2/1/10	Change drainage status to Reclamation Status . Mining and reclamation activities are complete above these outfalls. Areas were seeded more than two years ago and are stable and are in a permanent grass cover or are being farmed with standard conservation practices.
036	ASB36	Change	2/1/10	Change drainage status to Reclamation Status . Mining and reclamation activities are complete above these outfalls. Areas were seeded more than two years ago and are stable and are in a permanent grass cover or are being farmed with standard conservation practices.
037	ASB37	Change	2/1/10	Change drainage status to Reclamation Status . Mining and reclamation activities are complete above these outfalls. Areas were seeded more than two years ago and are stable and are in a permanent grass cover or are being farmed with standard conservation practices.
038	ASB38	Change	2/1/10	Change drainage status to Reclamation Status . Mining and reclamation activities are complete above these outfalls. Areas were seeded more than two years ago and are stable and are in a permanent grass cover or are being farmed with standard conservation practices.
039	ASB39	Delete	2/1/10	Basin has been mined through and replaced with a Phase II pond that discharges to ASB35.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: **Mr. Tim Corn, February 4, 2010**

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Tommy L. Sutton, V.P. of Engineering

812-328-2117 Ext. 30

Name and official title (type or print)

Area Code and phone No.

Signature

Date signed

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251**

Identification of Potentially Affected Parties

State Form 49456 (7-99)

Indiana Department of Environmental Management

Office of Water Quality, Permits Section

The Administrative Orders and Procedures Act (AOPA) IC 4-21.5-3-5(b), requires that the Indiana Department of Environmental Management (IDEM) give notice of its decision on your application to the following persons:

- (a) each person to whom the decision is specifically directed;
- (b) each person to whom a law requires notice to be given;
- (c) each competitor who has applied to the IDEM for a mutually exclusive license, if issuance is the subject of the decision and the competitor's application has not been denied in an order for which all rights to judicial review have been waived or exhausted;
- (d) each person who has provided the IDEM with a written request for notification of the decision;
- (e) each person who has a substantial and direct proprietary interest in the issuance of the (permit/variance);
- (f) each person whose absence as a party in the proceeding concerning the (permit/variance) decision would deny another party complete relief in the proceeding or who claims an interest related to the issuance of the (permit/variance) and is so situated that the disposition of the matter, in the person's absence may:
 - (1) as a practical matter impair or impede the person's ability to protect that interest, or
 - (2) leave any other person who is a party to a proceeding concerning the permit subject to a substantial risk of incurring multiple or otherwise inconsistent obligations by reason of the person's claimed interest.

IC 4-21.5-3-5(f) provides that we may request your assistance in identifying these people. Our failure to properly identify and notify these people of the decision could have the result of voiding any decision which is made.

Additionally, IC 13-15-3-1 requires IDEM to send notice that the permit application has been received by the department to the following:

- (a) the board of county commissioners of a county affected by the permit application and
- (b) the mayor of a city that is affected by the permit application, or
- (c) the president of a town council of a town affected by the permit application.